

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Kevin Hamilton,

**Plaintiff**

Las Vegas Metro Police Department, et al.,

## Defendants

Case No.: 2:21-cv-01746-JAD-EJY

## **Order Adopting Report & Recommendation**

[ECF No. 3]

Kevin Hamilton brings this action against all the emergency responders, hospital staff, and law enforcement personnel who encountered him during an episode he was experiencing last Thanksgiving. The magistrate judge screened his complaint and entered a report and recommendation for this court to dismiss all claims with limited leave to amend.<sup>1</sup> The deadline for Hamilton to object to that recommendation was December 7, 2021, and he filed no objection or request to extend the deadline to do so. “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.”<sup>2</sup> Having reviewed the R&R, I find good cause to adopt it, and I do.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation [ECF No. 3] is ADOPTED in its entirety.

1 ECF No. 13.

<sup>2</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 IT FURTHER ORDERED that **the following claims are dismissed with prejudice and**  
2 **without leave to amend:**

- 3 • Plaintiff's second cause of action for respondeat superior;
- 4 • His claims seeking money damages based on alleged wrongdoing of Defendants Doe I,  
5 Doe II, and the Las Vegas Metropolitan Police Department in their respective official  
6 capacities;
- 7 • His claims against the Las Vegas Metropolitan Police Department for negligent hiring,  
8 supervision, and training.

9 IT IS FURTHER ORDERED that **the following claims are dismissed without**  
10 **prejudice and with leave to amend by January 8, 2022**, if he can revise them to cure the  
11 deficiencies identified in the report and recommendation:

- 12 • Fourth Amendment false imprisonment against LVMPD;
- 13 • Fourth Amendment false imprisonment seeking money damages against Does I and II in  
14 their individual capacities;
- 15 • Fourth Amendment false imprisonment against Abiog, Latifeci, Hansen, Lovinger,  
16 Allied, AMR, and Sunrise;
- 17 • Third and fourth causes of action alleging negligent hiring, training, and supervision  
18 against Allied, AMR, and Sunrise; and
- 19 • Intentional infliction of emotional distress against any defendant.

20 Plaintiff is advised that an amended complaint replaces the original complaint, so it must  
21 be complete in itself without reference back to an earlier version of the complaint. The amended  
22 complaint may not include any claims other than those permitted by this order. The amended  
23 complaint must be written on the Court's form, and plaintiff must write the word "Amended"  
24 above the title. **If plaintiff does not file an Amended Complaint by January 8, 2022, the**  
25 **court will construe that failure as his acknowledgement that he cannot cure the deficiencies**  
26 **in his claims and will dismiss this case with prejudice and close it.**

27  
28 . . .

The Clerk of Court is directed to **SEND** plaintiff a civil-rights complaint form for non-prisoners and a copy of his original complaint [ECF No. 1-1].

U.S. District Judge Jennifer A. Dorsey  
Dated: December 9, 2021